

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Pallas et al.

Art Unit 1616

Serial No. 09/988,352

Filed November 19, 2001

Confirmation No. 8761

For STABLE LIQUID PESTICIDE COMPOSITIONS

Examiner S. Mark Clardy

June 6, 2006

PETITION FOR PATENT TERM ADJUSTMENT  
PURSUANT TO 37 CFR §1.705(b)

TO THE COMMISSIONER OF PATENTS,  
SIR:

In response to the Notice of Allowance dated 13 April 2006 in the above-referenced patent application, applicants respectfully request reconsideration of the patent term adjustment determination. Pursuant to 37 CFR §1.705(b), applicants submit the following statement of facts in support of this request for reconsideration.

According to the Patent Application Information Retrieval (PAIR) database regarding the instant application, the delay on the part of the Office is indicated as being only one-hundred thirty-nine (139) days, and the delay on the part of applicant is indicated as being one-hundred seventy-seven (177) days. Thus, according to PAIR the subject application is entitled to no patent term adjustment. Applicants believe that the USPTO delay was calculated under the provisions of 37 CFR §1.703(a).

Applicants submit that the USPTO delay under the provisions of 37 CFR §1.703 should instead be calculated based on 37 CFR §1.703(b). Under the provisions of 37 CFR §1.703(b), and assuming that the issue fee is paid on 13 July 2006 (i.e., three months from the date of the mailing of the Notice of Allowance), an estimated USPTO delay of six-hundred one (601) days is calculated as the difference between date of filing plus three years (i.e., 19 November 2004) and the estimated issue date of 13 July 2006. Applicants note that the application was not the subject of a Request for Continued Application under 35 U.S.C. §132(b) or an interference proceeding, was not


maintained in a sealed condition under 35 U.S.C. §181, and was not the subject of an appeal to the Board of Patent Appeals and Interferences. Applicants believe that the Office correctly calculated an Applicant delay of one-hundred seventy-seven (177) days.

In light of the foregoing, applicants believe that the patent term adjustment should be estimated to be four-hundred twenty-four (424) days calculated as the difference between a USPTO delay of 601 days and an applicant delay of 177 days.

A terminal disclaimer was not filed in this case.

The Commissioner is hereby authorized to charge \$200 to pay for the fee under 37 C.F.R. §1.18(e) and to charge any under payment or credit any overpayment to deposit account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Harper", written in a cursive style.

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JDH/axj